

REMARKS

This Amendment, filed in reply to the Office Action dated March 23, 2007, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-14 are all the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 102

Claims 1-5 and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Akagi (U.S. Patent No. 6,931,421).

II. Claim Rejections under 35 U.S.C. § 103

Claims 6-7 and 11-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Akagi (U.S. Patent No. 6,931,421) in view of Tipirneni (U.S. Pub. No. 2004/0257608).

Claims 8-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Akagi (U.S. Patent No. 6,931,421) in view of White et al. (U.S. Pub. No. 2004/0019501).

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Akagi (U.S. Patent No. 6,931,421) in view of Banks et al. (U.S. Patent No. 6,603,494).

To expedite prosecution of this case, Applicant cancels claims 1 and 5. Applicant submits that the Examiner's rejection of prior pending independent claim 10 over the combination of Akagi and Banks is not supportable. Therefore, Applicant further rewrites pending claims 2-3 to depend on claim 10. Claim 4 is redundant in view of the amendment to claim 3 and is thus canceled. Applicant respectfully submits that the Examiner's rejection of prior pending claims 6-7 is improper and thus rewrites claims 6-7 in independent form. Applicant rewrites the dependency of claim 8 and cancels claim 14.

Applicant submits the following for traversing the rejections.

The Examiner maintains the rejection of prior pending claim 10 over Akagi and Banks. Applicant emphasizes that claim 10 describes that the data processing apparatus merges data of an image obtained by the medical imaging apparatus and examinational information from a server into a predetermined format, the server and data processing apparatus being connected by a communication link.

The Examiner generally cites the radiographing apparatus 20 of Akagi as teaching the data apparatus. However, it is clear that the memory elements 21, 22 of the cited apparatus 20 only stores the scheduling information for the radiographing process. See Figs. 4a-4c; col. 4, lines 52-53. There is no teaching that any medical imaging information is stored to either memory 21, 22. In Akagi, it appears that memory 21, 22 is easily overwhelmed by even the relatively sparse data set relating to order information (see col. 6, lines 39-51). This would teach away from the merging of the order (examinational) information with the actual medical image data as claimed. There is no teaching in Akagi that such a merger is ever made, and in fact, appears that no such merger is possible in view of the limited memory available.

The merger of the data is not inherent in Akagi since the medical image can be managed in alternative manners, such as by stamping an output image with identification information or linking the data information with the image data. Neither of these alternatives require any merging into a predetermined format.

With regard to the Examiner's cited combination of Akagi and Banks, the Examiner relies on Banks, Fig. 6 and col. 15, lines 16-27 to teach aspects of merging the image data and the examinational information data into a predetermined format. However, Fig. 6 of Banks merely illustrates a **generic** patient information icon 256 (see col. 13, lines 13-16). This icon is not capable of providing examinational information for identifying the image. Rather, the

generic icon 256 is used as a tab to input the attributes of a patient during the patient information entry phase of the process. See Fig. 4. By contrast, the Examiner's reliance on Fig. 6 clearly shows no identifying information for the images. Thus, it is clear that the data is not merged into a predetermined format since they are clearly on separate displays. To the extent that the data may be associated, there is no merger into a predetermined format.

As a final matter, Applicant submits that the Examiner's motivation for combining Akagi and Banks does not support the rejection. The Examiner contends that the benefits of Banks are the remote operation of the system including remote storage and access. However, claim 10 describes local storage. Thus, by the Examiner's rationale, the cited combination teaches away from claim 10 for all the above reasons.

Claims 2-3 are patentable based on their dependency.

With regard to prior pending claim 6, Applicant emphasizes that this claim describes a terminal for outputting examination information stored in the server when the medical information is used and a communication monitoring device for logging communication between the terminal and the server. The Examiner concedes that Akagi does not teach the communication monitoring device and cites Tipirneni to teach this feature. In particular, the Examiner relies on the WEBSTAR feature. However, the WEBSTAR application is for controlling the transmission between a centrally located repository of images and a doctor terminal seeking to view images. Referring to Fig. 1, the WEBSTAR application works on the communications between a physician computer 150 and the internet 100. However, claim 6 describes that the communication monitor device logs the communication between the terminal (providing the examinational information data from the server when the **medical imaging is used**) and the server. In other words, the logging of claim 6 relates to information on the **image**

acquisition portion. By contrast, WEBSTAR in Tipirneni relates to the **image distribution** portion for the system. Therefore, even assuming that Akagi and Tipirneni may be properly combined, their combination fails to teach logging of the described communications. Therefore, claim 6 is patentable for at least this reason. Claims 8-9 and 11-13 are patentable based on their dependency.

Claim 7 includes an analogous recitation to claim 6 and is patentable for the reasons set forth above.

With further regard to prior pending claim 8, this claim recites that when the server receives the end imaging signal which is sent by the medical imaging apparatus, the server automatically deletes examination information data for the corresponding image. The Examiner correctly concedes that Akagi fails to teach this feature but contends that White makes up for this deficiency. In this regard, the Examiner relies on [0057] - [0059] of White to teach this feature. However, the cited portion relates to management of transcriptionist queues and radiologist queues for management of medical files. Removal of the file from the radiologist queue sends the file to the transcriptionist queue. See paragraph [0058], last three sentences. The deletion from a queue causes its redistribution to another queue in the same application. Therefore, the examination information is not deleted from the server. Claim 8 is patentable for this additional reason. Claim 9 is patentable based on its dependency.

Applicant adds claims 15-19 to describe features of the invention more particularly.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


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